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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR              | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------------------|---------------------|------------------|
| 10/810,876  | 03/26/2004  | Terry Keith Bryant                |                     | 9847             |
| 7590 09/02/2004   |             |                                   |                     |                  |
| TERRY KEITH BRYANT<br>1281 EAST BLUE HERON BLVD.<br>SINGER ISLAND, FL 33404 |             |                                   |                     |                  |
|   |             | EXAMINER<br>NATNITHITHADHA, NAVIN |                     |                  |
|   |             | ART UNIT PAPER NUMBER<br>3736     |                     |                  |

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                  |                                     |  |
|------------------------------|----------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/810,876    | Applicant(s)<br>BRYANT, TERRY KEITH |  |
|                              | Examiner<br>Navin Natnithithadha | Art Unit<br>3736                    |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. A new oath or declaration is required because the applicant did not meet the requirements for properly filing an Oath/Declaration. Please see 37 CFR 1.63. The applicant only filed PTO/SB/01, page 2 of 2, "Declaration – Utility or Design Patent Application", on March 26, 2004, and again on July 20, 2004. The applicant must complete PTO/SB/01, page 1 of 2, "Declaration For Utility or Design Patent Application (37 CFR 1.63)" to properly meet the requirements for 37 CFR 1.63. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.
2. The oath is objected to as being informal. It lacks authentication by a diplomatic or consular officer of the United States; 37 CFR 1.66(a). This informality can be overcome by filing either a declaration under 37 CFR 1.68, or a new properly authenticated oath under 37 CFR 1.66. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

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3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 602.

It does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

The clause regarding "willful false statements ..." required by 37 CFR 1.68 has been omitted.

It was not executed in accordance with either 37 CFR 1.66 or 1.68.

It does not include the notary's signature, or the notary's signature is in the wrong place.

It does not include the notary's seal and venue.

4. The oath lacks the statement of venue. Applicant is required to furnish either a new oath or declaration in proper form, identifying the application by application number and filing date, or a certificate by the officer before whom the original oath was taken stating that the oath was executed within the jurisdiction of the officer before whom the oath was taken when the oath was administered.

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The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

- (k) **SEQUENCE LISTING** (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### **Content of Specification**

- (a) **Title of the Invention**: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) **Cross-References to Related Applications**: See 37 CFR 1.78 and MPEP § 201.11.
- (c) **Statement Regarding Federally Sponsored Research and Development**: See MPEP § 310.
- (d) **Incorporation-By-Reference Of Material Submitted On a Compact Disc**: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, **Reference to a "Microfiche Appendix"**: See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) **Background of the Invention**: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) **Field of the Invention**: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

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- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

5. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the application contains two separate entries of the specification including claims, which were filed on March 26, 2004 and July 20, 2004. The applicant did not submit an attached letter to the July 20, 2004 submission of the specification (including claims) to specify whether the submitted specification is an amendment or a copy of the original specification. Since there appears to no amendments to the specification and claims, the July 20, 2004 specification including claims will be considered a copy of the original specification filed on March 26, 2004. The applicant is required to submit a new specification including claims and amendments along with a separate letter, titled "Amendment", providing instructions to substitute the March 26, 2004 and July 20, 2004 specifications with a newly submitted specification. Please see the revised Amendment Practice 37 CFR 1.121 on how to file an amendment to the



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specification and claims. More information is also included on the USPTO website at:

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/moreinfoamdtprac.htm>

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

6. The disclosure is objected to because of the following informalities:

a) The arrangement of the specification is improper and needs to be amended in accordance with 37 CFR 1.77(b) (see above);

b) The sections "Background of The Invention", "Description of the Drawings", and "Detailed Description of the Invention" need to be inserted into the body of the specification (see "Arrangement of the Specification" above) with new page numbers; and

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c) On page 1, line 2, the sentence "Patent application, # 60/458,176, in compliance with the USTPO, gives priority in correlation with the following specification." is improper and needs to be under a separate section heading titled "Cross-Reference to Related Applications" (see "Arrangement of the Specification" above) and amended to the following:

- - This application claims the benefit of U.S. Provisional Application No. 60/458,176, filed - - -. --.

Appropriate correction is required.

7. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

### ***Claim Objections***

8. Claims I: 1-3; II: 1-3, 4, 4a, 5-13, 13a, 13b, 13c, 14-15, 15a, 15b, 15c, 15d, 16, and 17 are objected to because of the following informalities:

The claims and claim numbers are not in accordance with 37 CFR 1.75. The use of Roman numerals is improper. Please see 37 CFR 1.75 and MPEP § 608.01 (i), (j), (k), (m), (n), (o), (p).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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9. Claims I: 1-3; and II: 1-3, 4, 4a, 5-13, 13a, 13b, 13c, 14-15, 15a, 15b, 15c, 15d, 16, and 17 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims must be in one sentence form only. Note the format of the claims in the patents cited.

The Examiner has interpreted the subject matter in the claims, in regards to the applicant's invention, as directed to a method for operating an incentive spirometer and an incentive spirometer for improving lung performance providing audibly and verbally instructions prompting the user of the spirometer and guiding the user through steps in operating the medical apparatus. Claims identified by Roman numeral I appears to be directed toward a method or process and will be examined as such. Claims identified by Roman numeral II appears to be directed to a structure of a device or apparatus and will be examined as such. Since it is not clear as to the dependency of each claim, the examiner will examine the claims I: 1-3; and II: 1-3, 4, 4a, 5-13, 13a, 13b, 13c, 14-15, 15a, 15b, 15c, 15d, 16, and 17; as claim 1 and claim 2, respectively, whereby Claim 1 is directed towards a method and Claim 2 is directed towards an apparatus.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards et al, U.S. Patent No. 6,126,613 A (Edwards).

In regards to claim 1, Edwards teaches a method for using an incentive spirometer for improving lung performance by providing audibly and verbally instructions prompting the user of the spirometer and guiding the user through steps in operating the medical apparatus (see col. 2, lines 26-29 and col. 11, lines 13-17).

In regards to the structure of the apparatus of claim 2, Edwards teaches an incentive spirometer for improving lung performance by providing audibly and verbally instructions prompting the user of the spirometer and guiding the user through steps in operating the medical apparatus (see col. 2, lines 26-29 and col. 11, lines 13-17), comprising: sensors 131 and 153 (rotation detector and air composition detector) producing output signals and measuring human or therapeutic performance (see col. 6, lines 43-47, and col. 7, lines 18-22); a module 132 for a central processing unit (computerized device) (see col. 7, line 20); a module (voice system containing prerecorded instructions) for storing of program instructions, audio signals, and generating audible sound (see col. 11,

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lines 13-15); a module 302 (power source or battery) for conserving electrical power (see col. 11, lines 19-21); a module (counter or clock) determining accurate intervals of time (see col. 10, line 65 to col. 11, line 6); a module 135 (wireless transmitter) communicating remotely with a separate agent (see col. 11, line 23); and program instructions (software) controlling the actions or functions of the central processing unit or processor relating to the function of the spirometer and the "voice system" for operating the spirometer (see col. 11, line 17-19).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McKinnon et al, U.S. Patent No. 6,190,326 B1, teaches a spirometer device and method for using a spirometer by providing audibly and verbally instructions prompting the user and guiding the user through steps in operating the medical device which can be interpreted to teach some aspects of the applicant's claimed invention.

The following patents teaches emergency therapy devices and methods providing audibly and verbally instructions prompting the user of the emergency device and guiding the user through steps in operating the device which can be interpreted to teach some aspects of the applicant's claimed invention:

Feder, U.S. Patent No. 6,758,811 B1;

Parker et al, U.S. Patent No. 6,668,192 B1;

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Russell, U.S. Patent No. 6,493,581 B2;

Nova et al, U.S. Patent No. 6,334,070 B1;

Kirchgeorg et al, U.S. Patent No. 6,327,497 B1; and

Parker et al, U.S. Patent No. 4,588,383 A.

The following patents teaches medical devices and methods providing audibly and verbally instructions prompting the user and guiding the user through steps in operating the medical device which can be interpreted to teach some aspects of the applicant's claimed invention:

Peddicord et al, U.S. Patent No. 6,402,691 B1;

Portwood et al, U.S. Patent No. 5,950,630 A; and

Kikuchi, U.S. Patent No. 5,008,942 A.

12. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office."

This publication is for sale by the Superintendent of Documents, U.S.

Government Printing Office, Washington, D.C. 20402.

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13. This application may qualify for "Small Entity Status" and, therefore, applicant may be entitled to the payment of reduced fees. In order to establish small entity status for the purpose of paying small entity fees, applicant must make a determination of entitlement to small entity status under 37 CFR 1.27(f) and make an assertion of entitlement to small entity status in the manner set forth in 37 CFR 1.27(c)(1) or 37 CFR 1.27(c)(3). Accordingly, if applicant meets the requirements of 37 CFR 1.27(a), applicant must submit a written assertion of entitlement to small entity status under 37 CFR 1.27(c) before fees can be paid in the small entity amount. See 37 CFR 1.27(d). The assertion must be signed, clearly identifiable, and convey the concept of entitlement to small entity status. See 37 CFR 1.27(c)(1). No particular form is required.

14. In June 2004, the USPTO ceased mailing paper copies of cited U.S. patents and U.S. patent application publications with all Office actions. See "USPTO to Provide Electronic Access to Cited U.S. Patent References with Office Actions and Cease Supplying Paper Copies," 1282 O.G. 109 (May 18, 2004). Foreign patent documents and non-patent literature will continue to be provided to the applicant on paper.

All U.S. patents and U.S. patent application publications are available free of charge from the USPTO web site ([www.uspto.gov/patft/index.html](http://www.uspto.gov/patft/index.html)), for a fee from the Office of Public Records (<http://ebiz1.uspto.gov/oems25p/index.html>), and from commercial sources. Copies are also available at the Patent and Trademark Depository Libraries (PTDLs). A list of the PTDLs may be found on the USPTO web site ([www.uspto.gov/web/offices/ac/ido/ptdl/ptdlib\\_1.html](http://www.uspto.gov/web/offices/ac/ido/ptdl/ptdlib_1.html)). Additionally, a new feature in the Office's Private Patent Application Information Retrieval system (PAIR), E-Patent Reference, is available for downloading and printing of U.S. patents and U.S. patent application publications cited in U.S. Office Actions.

## **STEPS TO USE THE E-PATENT REFERENCE FEATURE**

Access to Private PAIR is required to utilize E-Patent Reference. If you do not already have access to Private PAIR, the Office urges practitioners and

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applicants not represented by a practitioner to: (1) obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate; (2) obtain a USPTO customer number; (3) associate all of their pending and new application filings with their customer number; (4) install free software (supplied by the Office) required to access Private PAIR and the E-Patent Reference; and (5) make appropriate arrangements for Internet access.

**Instructions for performing the 5 steps:**

**Step 1:** Full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page ([www.uspto.gov/ebc/downloads.html](http://www.uspto.gov/ebc/downloads.html)). Note that a notarized signature will be required to obtain a digital certificate.

**Step 2:** To get a Customer Number, download and complete the Customer Number Request form, PTO-SB/125, from the USPTO web site ([www.uspto.gov/web/forms/sb0125.pdf](http://www.uspto.gov/web/forms/sb0125.pdf)). The completed form can be transmitted by facsimile to the Patent Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or agent, your registration number must be associated with your customer number. This association is accomplished by adding your registration number to the Customer Number Request form.

**Step 3:** A description of associating a customer number with the correspondence address of an application is described at the EBC Web page ([www.uspto.gov/ebc/registration\\_pair.html](http://www.uspto.gov/ebc/registration_pair.html)).

**Step 4:** The software for electronic filing is available for downloading at [www.uspto.gov/ebc](http://www.uspto.gov/ebc). Users can also contact the EFS Help Desk at (703) 305-3028 and request a copy of the software on compact disc. Users will also need Adobe Acrobat Reader, which is available through a link from the USPTO web site.

**Step 5:** Internet access will be required which applicants may obtain through a supplier of their own choice. As images of large documents must be downloaded, high-speed Internet access is recommended.

The E-Patent Reference feature is accessed using a button on the Private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents in Portable Document Format (PDF). The



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downloaded documents can be viewed and printed using commercially available software, such as ADOBE® READER®. ADOBE® READER® is available free of charge from Adobe Systems Incorporated ([www.adobe.com/products/acrobat/readermain.html](http://www.adobe.com/products/acrobat/readermain.html)).

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

#### 15. Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Alexandria, VA 22313-1450

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(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

#### Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

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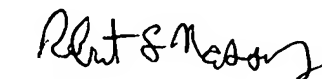
Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (703) 305-2445. The examiner can normally be reached on Monday-Friday, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (703) 308-3130. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Navin Natnithithadha  
Patent Examiner  
GAU 3736  
August 30, 2004

  
ROBERT L. NASSER  
PRIMARY EXAMINER